

SPP Summary – Indicator C-12  
***Effectiveness of Resolution Sessions in Reaching Settlement Agreements***  
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This document summarizes indicator C-12 for Part C SPPs. This indicator is one of four potential dispute resolution indicators for Part C. Indicator C-12, however, applies only in those states where the Part C program has adopted the State's Part B Due Process Hearing procedures. Indicator C-12 is:

“Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).”

This is a new requirement under IDEA 04, effective July 1, 2006. As a result, data necessary to calculate this indicator were not included in Attachment 1 of the SPP for school year 2004-05. The first year of data (2005-06 school year) and the establishment of baselines for this indicator will be reported in the Annual Performance Report due February 1, 2007. Measurement of this indicator is defined, with the label and cell designations from Attachment 1, as:

$$\text{Percent} = [3.1(a) \text{ divided by } (3.1)] \text{ times } 100.$$

where,

$$\begin{aligned} (3.1)(a) &= [\text{resolution session}] \text{ “Settlement agreements”} \\ (3.1) &= \text{“Resolution sessions” [held]} \end{aligned}$$

**METHODOLOGY:**

CADRE compiled and examined the Indicator 12 sections from the SPPs of all 50 states, DC, and 5 outlying areas (AS, CNMI, GU, PR and VI). For purposes of this report, these 56 entities are referred to in aggregate as “states.” Each state report was summarized to capture the following information:

- Baseline reported for Indicator C-12
- Improvement/maintenance practices described (in many cases it is not possible to distinguish improvement from maintenance)
- Description of the “measurable and rigorous target” for Indicator C-12

Two or more reviewers read and compiled data for each of the above elements for each state. Reviewers entered the resulting summaries into an Excel data base, with a focus on capturing in brief the language each state used. The authors of this document then coded these summaries in order to categorize improvement or maintenance strategies, assertions of effectiveness, and measurable and rigorous target descriptions.

## **SUMMARY AND ANALYSIS:**

### **Baseline to be Reported for Indicator C-12**

Eight states indicated that targets will be provided in the APR due February, 2007. Eighteen (18) states indicated that this indicator was not applicable because they have not adopted Part B due process procedures (and are thus exempt from resolution session requirements). Thirty-one (31) states indicated something to this effect: "No hearing requests and, thus, no resolution sessions." Some of these states may have adopted Part B procedures, although that is not always clear from the SPP text, nor is the "SELECT timeline used" portion of Attachment 1 item 3.2(a) uniformly completed. Some states may be unclear about applicable timelines, because they have had no Part C due process hearing requests.

### **Improvement/Maintenance Practices Described**

For this indicator, most states did not include any improvement or maintenance strategies. For the 14 states that did include improvement strategies, seven indicated they intended to conduct training on resolution sessions, "collaborative decision making," etc. Eight states indicated that they have established data collection systems to track the use and effectiveness of resolution sessions.

### **Description of the "Measurable and Rigorous Target" for Indicator C-12**

Almost all states indicated that a target at this point was not applicable, either because the indicator wasn't applicable (e.g., they have not adopted Part B due process timelines), or because they would not set a target until they report baseline data in the first APR due February 2007. One state indicated that the goal would be for 100% of resolution sessions to reach agreement. One other state reported on data from past experience in resolving disputes prior to hearing, indicating that about 65% of hearing requests were resolved short of a hearing. Other states might consider such an indicator of past experience as they set targets in the 2005-06 APR.

### **CADRE RECOMMENDATIONS FOR INDICATOR C-12**

- Establish integrated dispute resolution data systems for formal complaints, due process, resolution session, mediation activity, and for tracking of expressed parent concerns;
- Establish procedures to ensure that LEAs meet timelines for "convening" resolution sessions and that data on the sessions and any resulting settlement agreements are collected by the SEA;
- Support other early and informal dispute resolution options (e.g., 48 hour response to expressed parent concerns, facilitated IFSPs for complex issues);

- Train staff and parents with a focus on dispute resolution options and effective collaborative working relationships, whether in resolution sessions or in other venues;
- Develop Parent/provider surveys to measure awareness of DR options, understanding of rights, and satisfaction with EI services and dispute resolution processes.